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10/620,674	07/16/2003	Harish N. Patel	PD-200225	9645

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EXAMINER	
SIPPLE IV, EDWARD C	
ART UNIT	**PAPER NUMBER**
2623	
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03/06/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/620,674	PATEL, HARISH N.	
	Examiner	Art Unit	
	EDWARD C. SIPPLE IV	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12/10/2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/ are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on December 10, 2007 have been fully considered but they are not persuasive.

With regards to **Claims 1**, **9** and **17** Applicant argues that Sparrell fails to teach features that are stated in Applicant's arguments (see remarks, pg. 12, second paragraph). Applicant states that said features are not taught because of the teachings of Sparrell in Paragraph [0077], (see remarks, page 11 paragraph 5 and page 12 paragraph 1).

The Examiner respectfully disagrees. The central resource manager does operate in more than one state in response to requests from outside boxes for network resources. See Sparrell Paragraph [0077] Lines 21-24 and Paragraphs [0078-0079]. Sparrell specifically states that the central resource manager changes states by controlling network pipelines in response to requests from outside boxes connected to the network. Further, Sparrell teaches that the central resource manager is aware of the on/off state of televisions within the network, and then reallocates network services accordingly, as evidenced by Paragraphs [0100-0101]. Therefore, Applicant's argument that Sparrell does not teach the features stated in Applicant's arguments (see remarks, pg. 12, second paragraph) regarding **Claims 1**, **9** and **17** is not persuasive.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-5, 8, 9 and 13-21** are rejected under 35 U.S.C. 102(e) as being anticipated by Sparrell (U.S. Patent Application Publication 2004/0268406).

For independent **Claim 1** Sparrell teaches:

a system for optimizing the bandwidth on an audio/video network (see Abstract and Paragraph [0026]), said system comprising:

at least one slave client (Figure 12 Element 112) operable for communication with a master box for thereby receiving network services at said at least one slave client (Paragraph [0026]);

a television (Fig. 11 Elem. 104) operable for communication with one said slave client (Fig. 12 Elements 104 and 112) and having both an on condition and an off condition (Paragraph [0100] Lines 6-8); and

a remote control unit (Fig. 12 Elem. 400) for communicating with at least one of said slave client and said television (Paragraph [0114] Lines 1-2);

wherein said television can be selectively set in either said on condition or said off condition by a user operating said remote control unit (Paragraph [0114] Lines 1-4);

wherein when said television is set in said on condition (Paragraph [0116] Lines 1-4), said slave client is operable to automatically get online (Paragraph

[0027] Lines 1-5 with Paragraph [0075] Lines 1-5 with Paragraph [0105] Lines 1-6, note Sparrell teaches that the slave client senses the power state of the television, and is to request network resources according to user or system requirements) and communicate said network services from said master box (Paragraph [0086]) and to said television so as to play said network services on said television (Paragraph [0075] Lines 1-5);

wherein when said television is set in said off condition, said slave client is operable to either automatically turn off substantially completely (Paragraph [0099] Lines 7-12) or automatically enter a sleep mode, as selectively predetermined (Paragraph [0077] Lines 10-24, note Sparrell teaches that in response to the turning off of a television the slave client's media pipeline is torn down, and the slave client may be set in a standby mode); and

wherein when said slave client is in said sleep mode (Paragraph [0077] Lines 19-22), said slave client is both partially turned off (Paragraph [0099] Lines 7-12) and operable to record said network services and update associated databases (Paragraph [0105] Lines 3-12).

For **Claim 2** as discussed in independent Claim 1, Sparrell further teaches:

the system of Claim 1, wherein when said television is set in said off condition, said remote control unit is operable to transmit a signal to said slave client (Paragraph [0113] Lines 1-6, also Paragraph [0114] Lines 1-2) so as to turn said slave client substantially off and thereby stop the transmission of network

services data to said slave client from said master box (Paragraphs [0031] and [0032], and Paragraph [0077] Lines 10-24).

For **Claim 3** as discussed in independent Claim 1, Sparrell further teaches:

the system of Claim 1, wherein when said television is unit set in said off condition (Paragraph [0116] Lines 1-4), said remote control unit is operable to transmit a signal to said slave client (Paragraph [0114] Lines 1-3) so as to enter said slave client into said sleep mode (Paragraph [0077] Lines 7-24), which thereby allows said slave client to update said associated databases from said master box (Paragraph [0030] Lines 4-9 with Paragraph [0105] Lines 7-11) otherwise be substantially turned off (Paragraph [0099] Lines 7-12).

For **Claim 4** as discussed in independent Claim 1, Sparrell further teaches:

the system of Claim 1, wherein said slave client includes a learning module that enables said slave client to learn remote control codes associated with at least one entertainment device selected from the group consisting of said television, a videocassette recorder, and a stereo (Paragraph [0114] and Paragraph [0116] Lines 1-6).

For **Claim 5** as discussed in independent Claim 1, Sparrell further teaches:

the system of Claim 1, wherein said audio/video network is adapted for use in a single family home (Paragraph [0018] and further evident by Paragraph [0072]).

For **Claim 8** as discussed in Claim 4, Sparrell further teaches:

the system of Claim 4, wherein said remote control unit is a standard remote control unit (Paragraph [0116] Lines 1-4), and said slave client is operable to determine the on/off condition of said television based on said learned remote control codes (Paragraph [0116] Lines 4-15).

For independent **Claim 9** Sparrell teaches:

a method for optimizing the bandwidth on an audio/video network system (Paragraph [0025] Lines 4-9), said method comprising the steps of:

providing at least one slave client (Fig. 12 Elem. 112) that is operable for communication with a master box (Fig. 12 Elem. 108 with Paragraph [0026] Lines 1-3) so as to receive audio and video information therefrom (Paragraph [0087] Lines 1-7);

providing a remote control unit for communicating with at least one of said slave client (Fig. 12 Elements 400, 402, and Paragraph [0087] Lines 13-16) and a television (Fig. 12 Elem. 104) that is operable for communication with said slave client (Fig. 12 Elements 104 and 112);

communicating a signal from said remote control unit and to said slave client when said television is turned either on or off (Paragraph [0113] Lines 1-6 and Paragraph [0114] Lines 1-3); and

placing said slave client in a predetermined appropriate state based on said signal received by said slave client from said remote control unit (Paragraph [0077] Lines 20-24 and Paragraph [0107]).

For **Claim 13** as discussed in independent Claim 9, Sparrell further teaches:

the method of Claim 9, said method further comprising the step of programming said slave client to learn signals communicated from said remote control unit so as to determine when said television is turned on or off (Paragraph [0114] and Paragraph [0116] Lines 1-16).

For **Claim 14** as discussed in Claim 13, Sparrell further teaches:

the method of Claim 13, said method further comprising the step of: turning said slave client off when said slave client determines that said remote control unit has turned off said television (Paragraph [0032] with Paragraph [0116] Lines 1-6).

For **Claim 15** as discussed in Claim 13, Sparrell further teaches:

the method of Claim 13, said method further comprising the step of: placing said client in a sleep mode (Paragraph [0077] Lines 20-24 and Paragraph [0099] Lines 7-12) when said signal received from said remote control unit indicates that said television has been turned off (Paragraphs [0114] and [0115]), thereby enabling said slave client to update its databases if said slave client is in said sleep mode for an extended period of time (Paragraph [0099] Lines 7-13 and Paragraph [0105] Lines 7-8).

For **Claim 16** as discussed in Claim 13,

Claim 16 is also analyzed with respect to Claim 14.

Sparrell further teaches:

the method of Claim 13, said method further comprising the step of:

turning said slave client on when said slave client determines that said remote control unit has turned on said television.

Referring back to Claim 14, Sparrell taught turning off the slave client when it determined that said television had been turned off by said remote control; similarly turning on the slave client in response to said remote control turning on said television is implicit.

For independent **Claim 17** Sparrell teaches:

a system for optimizing the bandwidth on an audio/video network (see Abstract and Paragraph [0025]), said system comprising:

a slave client (Fig. 12 Elem. 112) operable in a plurality of states (Paragraph [0099] Lines 7-12) for communication with a master box (Fig. 12 Elem. 108) so as to receive network services therefrom and thereby play audio and video on a television (Paragraph [0087] Lines) that is operable for communication with said slave client (Fig. 12 Elements 104 and 112); and

a remote control unit (Fig. 12 Elem. 400) operable to selectively control said television including and thereby set said television in either an on condition or an off condition (Paragraph [0113]);

wherein said slave client is operable for communication with said remote control unit (Fig. 12 Elem. 402) so as to determine whether said television is in said on condition or said off condition (Paragraphs [0114] and [0115], with Paragraph [0116] Lines 1-6).

For **Claim 18** as discussed in independent Claim 17, Sparrell further teaches:

the system of Claim 17, wherein said remote control unit is operable to send a signal to said slave client, and said signal is indicative of whether said television is in said on condition or said off condition (Paragraphs [0113] and [0114], and Paragraph [0116] Lines 1-6).

For **Claim 19** as discussed in Claim 18, Sparrell further teaches:

the system of Claim 18, wherein said slave client has a learning module that is operable to learn program codes associated with said on condition and said off condition of said television as sent from and indicated by said remote control unit (Paragraphs [0113] and [0114], and Paragraph [0116] Lines 1-6).

For **Claim 20** as discussed in independent Claim 17, Sparrell further teaches:

the system of Claim 17, wherein when said television is determined to be in said off condition, said slave client is operable to be set in an off condition so as to stop the transmission of network services data from said master box (Paragraphs [0031] and [0032], and Paragraph [0077] Lines 10-24).

For **Claim 21** as discussed in independent Claim 17, Sparrell further teaches:

the system of Claim 17, wherein when said television is determined to be in said off condition (Paragraph [0031] Lines 7-11), said slave client is operable to be set in a sleep mode (Paragraph [0077] Lines 13-24), which thereby enables said slave client to update its databases from said master box (Paragraph [0124] Lines 3-10, in view of Paragraph [0030]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Sparrell (U.S. Patent Application Publication 2004/0268406) further in view of Amit (U.S. Patent 7,127,734).

For **Claim 6** as discussed in independent Claim 1, Sparrell teaches:

the audio/video network is adapted for use in "home network" (Paragraph [0027] Lines 1-5)

Sparrell does not expressly teach:

the audio/video network is adapted for a commercial establishment.

Amit teaches:

it is well known that a "home network" can be adapted for a commercial establishment (Col. 5 Lines 6-11).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to adapt the "home network" system taught by Sparrell for use in a commercial establishment as taught by Amit. The motivation would have been to prevent the allocation of bandwidth to devices that are not in operation in a commercial establishment setting, thereby efficiently allocating network resources (Sparrell Paragraph [0031]).

4. **Claims 7** and **10-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sparrell (U.S. Patent Application Publication 2004/0268406) further in view of Griesau (U.S. Patent 7,109,908).

For **Claim 7** as discussed in independent Claim 1, Sparrell does not expressly teach:

> the remote control unit is a "smart" remote control per se, that is operable to transmit a signal to said slave client regarding the on/off condition of said television.

Griesau teaches:

> a "smart" remote control, that is operable to transmit a signal to a slave client regarding the on/off condition of a television.

Griesau teaches a programmable remote control that sends a desired series of button functions. Said remote taught by Griesau may be programmed to transmit a signal specifically to the slave client that corresponds to a signal sent to said television; thereby informing the slave client of the status of said television. See Col. 2 Lines 11-15.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the smart remote features taught by Griesau within the remote control (Elem. 400) taught by Sparrell. The motivation would have been to enable said remote control to transmit user programmable functions to multiple devices (See Griesau Col. 2 Lines 36-47).

For **Claim 10** as discussed in independent Claim 9, Sparrell does not expressly teach:

programming said remote control unit to send said signal to said slave client when said television is turned either on or off by said remote control unit

Griesau teaches:

a programmable "smart" remote control, which is operable to transmit a signal to a slave client when a signal is sent by said remote control to turn on or off a television (Col. 2 Lines 36-40 with Col. 4 Lines 15-20).

Griesau teaches a programmable remote control that sends a desired series of button functions. Said remote taught by Griesau may be programmed to transmit a signal specifically to the slave client that corresponds to a on/off signal sent to said television. See Col. 2 Lines 11-15.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the smart remote features taught by Griesau within the remote control (Elem. 400) taught by Sparrell. The motivation would have been to enable said remote control to transmit user programmable functions to multiple devices (See Griesau Col. 2 Lines 36-47).

For **Claim 11** as discussed in Claim 10, Sparrell further teaches:

turning said slave client off when said signal received from said remote control unit indicates that said television has been turned off (Paragraph [0032] with Paragraph [0116] Lines 1-6), thereby stopping the transmission of audio and video information from said master box to said

slave client (Paragraph [0077] Lines 16-24).

For **Claim 12** as discussed in Claim 10, Sparrell further teaches:

placing said slave client in a sleep mode (Paragraph [0099] Lines 7-12) when said signal received from said remote control unit indicates that said television has been turned off (Paragraphs [0114] and [0115], with Paragraph [0116] Lines 1-6), thereby enabling said slave client to update its databases as necessary if said slave client is in said sleep mode for an extended period of time (Paragraph [0099] Lines 7-13, and Paragraph [0105] Lines 7-11).

Conclusion

5. The following is prior art made of record and not relied upon, but considered to be pertinent to applicant's disclosure:

a. U.S. Patent 5,539,391 "Remote controller for controlling turning appliances on and off",

b. U.S. Patent 5,831,663 "Addressable televisions for hospitals and hotels",

c. U.S. Patent 5,886,732 "Set-top electronics and network interface unit arrangement".

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWARD C. SIPPLE IV whose telephone number is (571) 270-3414. The examiner can normally be reached on M-F 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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02/27/2008

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